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Subject: File no. 2002-22 (Amendment to MCR 3.206(C))

Divorce is a statutory cause of action, but here we are dealing with the results of a lawful court order or judgment being violated. The statute grants to the courts the power to order attorney fees (MCL 552.13) and the Constitution gives the Court full authority over practice and procedure (Art. VI, Sec. 5). There is no want of jurisdiction or authority.

The Michigan Judges Association supports this amendment which would:

1. Reduce the number of hearings and cases where the primary motive of the litigant is vindictive or otherwise wrongful behavior.
2. Shift the burden of the cost of wrongful conduct from the innocent party to the party whose conduct is found to be wrongful.
3. Remove the advantage to the wrongful party of financial pressure or foisted upon the opposing party. against
4. Further the goals of access to justice, by giving a financial incentive to lawyers to accept difficult domestic relations cases where a wronged party might otherwise have to appear in propria persona.
5. Foster respect for court orders, and the law in general, by putting all parties on notice that all court orders shall be obeyed, and that if a party to a domestic relations action does not comply with a court order, despite the ability to do so, that misconduct will not be tolerated by our system of justice.

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Circuit Judge, Berrien County